

McClellan, CA

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

SACRAMENTO CONTAINER
CORPORATION

and

TEAMSTERS DISTRICT COUNCIL 2,
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, GRAPHIC
COMMUNICATIONS CONFERENCE, LOCAL
388M

Cases 20-CA-116307
20-RC-111147

AMENDED DECISION, ORDER, AND DIRECTION OF SECOND ELECTION

On October 29, 2014, Administrative Law Judge Jay R. Pollack of the National Labor Relations Board issued his Decision in the above-entitled proceeding and, on the same date, the proceeding was transferred to, and continued before the Board in Washington, D.C. The Administrative Law Judge found that the Respondent has engaged in certain unfair labor practices, and recommended that it take specific action to remedy such unfair labor practices.

The Administrative Law Judge also sustained the Petitioner-Union's objections to the election, and recommended that the September 19 and 20, 2013 election be set aside, and a second election be held.

No statement of exceptions having been filed with the Board, and the time allowed for such filing having expired,

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, and Section 102.48 of the National Labor Relations Board Rules and Regulations, the Board adopts the findings and conclusions of the Administrative Law Judge as contained in his Decision, and orders that the Respondent, Sacramento Container Corporation, its officers, agents,

successors, and assigns, shall take the action set forth in the recommended Order of the Administrative Law Judge.

DIRECTION OF SECOND ELECTION

A second election by secret ballot shall be conducted among the employees in the unit found appropriate whenever the Regional Director deems appropriate. The Regional Director shall direct and supervise the election, subject to the Board's Rules and Regulations. Eligible to vote are those employed during the payroll period ending immediately before the date of the Notice of Second Election, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike that began less than 12 months before the and who retained their employee status during the eligibility period and their replacements. Those in the military services may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the payroll period, striking employees who have been discharged for cause since the strike began and who have not be rehired or reinstated before the , and employees engaged in an economic strike that began more than 12 months before the and who have been permanently replaced. Those eligible shall vote whether they desire to be represented for collective bargaining by Teamsters District Council 2, International Brotherhood of Teamsters, Graphic Communications Conference, Local 388M.

To ensure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is directed that an eligibility list containing the full names and addresses of all the eligible voters must be filed by the Employer with the Regional Director within 7 days from the date of Notice of Second Election. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The Regional Director shall make the list available to all parties to the election. No extension of time to file the

list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election if proper objections are filed.

Dated, Washington, D.C., December 10, 2014.

By direction of the Board:

Farah Z. Qureshi

Associate Executive Secretary